

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4787 of 2021

Debasish Mukherjee @ Babaji

.... ***Petitioner***
Mr. R.K. Sahu, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

Order No.

ORDER
24.11.2022

15. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Khandagiri P.S. Case No.110 of 2021 corresponding to C.T. Case No.998 of 2021 of the Court of learned S.D.J.M., Bhubaneswar, for commission of offences punishable U/S. 419/420/506/120-B of IPC, on the allegation of cheating the Informant for an amount of Rs. 60,000,00/- (Rupees Sixty Lakhs) by deceiving him to get a P.G. seat in the medical college.
3. In the course of hearing of the bail application, Mr.S.C. Mohapatra, learned counsel for the Petitioner submits that the Petitioner is inside the jail custody since 29.04.2021 and in the meanwhile, around one and half years have passed, but the Petitioner after being granted interim bail has also voluntarily surrendered to the custody in compliance to the condition of bail. It is further submitted that the Petitioner has already handed over a sum of Rs.

7,000,00/- (Rupees Seven Lakhs) to the Informant who has also instituted a complaint U/S 138 of N.I. Act for dishonor of cheques amounting to Rs. 35,000,00/- (Rupees Thirty Five Lakhs) and the Petitioner is ready and willing to abide by any condition for his release on bail. It is also alternatively submitted that in case the Petitioner is granted bail, he may settle the case with the Informant and pay the amount due to him in installments. It is further submitted that all the offences alleged against the Petitioner are triable by Magistrate First Class and the Petitioner having already been detained in custody for more than one and half years may kindly be released on bail.

4. On the contrary, learned counsel for the State vociferously opposes the bail application of the Petitioner by submitting inter-alia that the Petitioner has cheated an innocent Doctor for assisting him in securing a PG seat in a medical college and thereby, the Petitioner should not be enlarged on bail.

5. On the other hand, learned counsel for the Informant acknowledging the Informant to have received an amount of Rs. 7,000,00/- (Rupees Seven Lakhs), submits that the Informant has also instituted a complaint under Section 138 of N.I. Act for an amount of Rs. 35,000,00/- (Rupees Thirty Five Lakhs) and he also opposes the bail application of the Petitioner vehemently.

6. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of offences being triable by Magistrate First Class and regard being hard to the pre-trial detention of the Petitioner in custody and keeping in view that the Petitioner has voluntarily surrendered to the custody after availing the interim bail granted to him and taking into

consideration the complaint instituted by the Informant against the Petitioner for dishonor of cheques amounting to Rs. 35,000,00/- (Rupees Thirty Five Lakhs) and also other circumstances in entirety, this Court grants bail to the Petitioner.

7. Hence, the prayer for the bail of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,000,00/- (Rupees One Lakh) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that he shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 12 Noon for three months from the date of release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(*G. Satapathy*)
Judge

